

**MINUTES OF A REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
JUNE 18, 2014**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, June 18, 2014, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor Terry Seitz called the meeting to order at 7:00 p.m.

Roll Call.

Clerk-Treasurer Juanita S. Boehm called the roll.

Mayor Terry Seitz	Present
Council members:	
Gregory Schnarr	Present
David Prechtel	Present
Thomas Schmidt	Present
Earl Schmitt	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Renee Kabrick	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. All seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

Pledge of Allegiance. Mayor Seitz invited all those present to join him in reciting the Pledge of Allegiance.

Approval of the Minutes.

The following minutes were distributed to and examined by the Council:

1. May 21, 2014 regular common council meeting

A **motion** was made by Council member Gregory Schnarr and seconded by Council member Thomas Schmidt to approve the minutes as printed. Motion carried 7-0.

Boy Scout. Collin Egg with Boy Scout Troop 182 was present. He said he is working on the citizenship in the community badge.

Public hearing. Mayor Seitz then opened the public hearing concerning the petition of Schroering Rentals LLC to vacate a portion of a PUDE on Lot 16 in Maryville Second Addition on the west side of Eversman Drive. This hearing

was tabled at the May 21, 2014 meeting per the request of Brad Eckerle with Brosmer Land Surveying.

Brad Eckerle with Brosmer Land Surveying and representing Schroering Rentals LLC said his client wants to vacate five feet of a 20 foot easement in order to construct a duplex on the property. He described the location of the easement and said the Utility Service Board favorably recommended this vacation.

Mayor Seitz then asked for comments from the public. No comments were received.

Thereafter, a motion was made by Council member Raymond Howard and seconded by Council member Kevin Manley to close the public hearing. Motion carried 7-0 and the hearing was closed.

ORDINANCE NO. 2014-8 AN ORDINANCE VACATING A PUBLIC UTILITY AND DRAINAGE EASEMENT

This ordinance vacates a portion of a PUDE on Lot 16 in Maryville Second Addition on the west side of Eversman Drive. [Petition from Schroering Rentals LLC]

A motion was made by Council member Gregory Schnarr and seconded by Council member Thomas Schmidt to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Earl Schmitt to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2014-8. Motion carried 7-0.

Public hearing. Mayor Seitz then opened the public hearing concerning Ordinance No. 2014-10 that revises the electric utility rates and charges.

A notice appeared in the Herald on June 7, 2014, was posted at city hall and faxed to the news media.

Utility Service Board Chairman Wayne Schuetter said it had been six years since the City did an electric rate study. A six percent or eight percent increase was recommended to the Utility Service Board by the electric subcommittee based on the rate study performed by Umbaugh and Associates. The Utility Service Board is recommending to the council to increase the rates six percent. Schuetter said the tracker method used by the City was also discussed. IMPA's tracker method is quarterly which makes it more consistent than and not as volatile as our current monthly tracker method. The Utility Service Board recommended changing the current tracker method to the quarterly IMPA tracker method. He also added that the proposed rate increase does not include the power plant lease project or any litigation fees. The rate increase is due to inflation costs.

Mayor Seitz then asked for comments from the public. No comments were received.

Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to close the public hearing. Motion carried 7-0.

ORDINANCE NO. 2014-10 AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE CUSTOMERS OF THE JASPER MUNICIPAL ELECTRIC UTILITY

This ordinance revises the electric utility rates and charges and will be applied to billings on or after August 1, 2014. First reading was held May 21, 2014.

A motion was made by Council member Earl Schmitt and seconded by Council member David Prechtel to read the ordinance by title only on second reading. Motion carried 7-0. City Attorney Renee Kabrick so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Randall Buchta to approve the ordinance on second reading. Motion carried 7-0.

A motion was made by Council member Gregory Schnarr and seconded by Council member Earl Schmitt to have the ordinance read by title only on the third and final reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to approve Ordinance No. 2014-10 on the third and final reading. Motion carried 7-0.

Review tax abatement compliance form [CF-1/PP]-Jasper Chair Company.

Since the council had some questions and no one was present representing Jasper Chair Company, a decision regarding Jasper Chair's compliance form was tabled at the May 21, 2014 meeting.

Jeff Barth representing Jasper Chair Company Inc was present. According to the tax abatement application, Jasper Chair Company Inc was to install \$450,059 of manufacturing equipment by August 1, 2014. According to the CF-1/PP form, only \$3,850 has been installed. Barth explained that there was a delay with their project but some more equipment has recently been installed.

Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member Kevin Manley to find that Jasper Chair Company Inc is in substantial compliance with its statement of benefits for personal property [CF-1/PP]. Motion carried 7-0.

Review tax abatement compliance forms [CF-1]-Indiana Furniture Industries [IFI].

Because it appeared IFI was not in compliance and because there was some uncertainty about wording in the law regarding this matter, a decision regarding IFI's compliance forms was tabled at the May 21, 2014 meeting.

Bret Ackerman with IFI explained that because of industry changes their laminates business has increased while the veneer business has decreased. The employment levels declined because there are less production processes with laminates than with veneer. He feels they have made a reasonable effort to be in substantial compliance.

Council member Kevin Manley said because the market conditions changed he recommended IFI make adjustments to their plan and come back to the City with this adjusted plan. Council member David Prechtel agreed with Manley.

City Attorney Renee Kabrick said Indiana code says the council has discretion to consider whether the failure to comply is a result of factors beyond the control of the property owner such as declines in demand for products or services. If the council determines that IFI has not made a reasonable effort to substantially comply with the statement of benefits, the tax abatement is terminated entirely, not just for this year and not retroactively. She also said if market factors are outside of their control, it could make it look like IFI is out of compliance every year. She suggested IFI bring a revised plan ahead of time so the City can look at the amended plan before it's time to consider the CF-1 forms.

Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Kevin Manley to find that Indiana Furniture Industries Inc is in substantial compliance with its statement of benefits for personal property and for real property [CF-1/PP and CF-1/real property]. Motion carried 7-0.

Utility Service Board. Utility Service Board Chairman Wayne Schuetter gave a report on the regular monthly Utility Service Board meeting held on June 16, 2014. A copy of the Utility Service Board minutes is supplied to each council member.

RESOLUTION NO. 2014-9 RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JASPER APPROVING THE TRANSFER OF PROPERTY OWNERSHIP WITHIN AN ECONOMIC REVITALIZATION AREA

This resolution approves the transfer of tax abatement property in an ERA for Cash Waggner Enterprise LLC.

A motion was made by Council member David Prechtel and seconded by Council member Earl Schmitt to consider the resolution for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Thomas Schmidt to read the resolution by title only. Motion carried 7-0. The city attorney so read the resolution. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council

member Earl Schmitt to pass and adopt Resolution No. 2014-9. Motion carried 7-0.

The transfer of ownership will be to 3 PEPLS Properties, LLC, Cash Wagner and Associates, P.C., and to Testing and Inspection Services Inc.

RESOLUTION NO. 2014-10 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXED AREA [Brookstone V]

This resolution adopts a fiscal plan for the Brookstone V annexation area.

A motion was made by Council member Kevin Manley and seconded by Council member Thomas Schmidt to consider the resolution for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member David Prechtel to read the resolution by title only. Motion carried 7-0. The city attorney so read the resolution. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Raymond Howard to pass and adopt Resolution No. 2014-10. Motion carried 7-0.

ORDINANCE NO. 2014-11 AN ORDINANCE ANNEXING CERTAIN ADJACENT AND CONTIGUOUS TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF JASPER, INDIANA [Brookstone V area]

This ordinance annexes 35.744 acres for an area known as Brookstone V.

A motion was made by Council member David Prechtel and seconded by Council member Earl Schmitt to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member Randall Buchta to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2014-11. Motion carried 7-0.

Method to use to sell property.

At the May meeting the council passed a motion to proceed with the sale of the 30th Street Park property, the Lechner property, and the Truman Road property. The council then needed to consider whether to have the property sold by open bidding through the city or by auction. City Attorney Renee Kabrick said she would get proposals from auctioneers and prepare step-by-step instructions if the City accepts bids and present the information at the June meeting so the council can make a decision on how to proceed.

On June 13th, City Attorney Renee Kabrick sent an outline of the bidding process to the council members. She also sent the responses for a request for proposal

from three auctioneers. The quotes for auctioneering services were 1.5%, 2.7%, and 3% of the gross sale price from Brahm and Brahm, Hoffman and Mullen, and from The Auction Company respectively.

After some discussion including the time involved for each process, a motion was made by Council member Thomas Schmidt and seconded by Council member Kevin Manley to proceed with selling the three properties using the auction method and proceed with the auction company with the lowest auction service fee. Motion carried 7-0.

Council member Gregory Schnarr said some neighbors near the Lechner property and near the Truman Road property have expressed their desire that these two properties remain classified as residential property.

Adjournment. There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 8:03 p.m.

The minutes were hereby approved _____ with X without corrections or clarification this 23rd day of July, 2014.

Mayor Terry Seitz
Presiding Officer

Attest: _____
Juanita S. Boehm, Clerk-Treasurer